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Sustainable Development in the Constitution of the Republic of Poland – the Origins

Abstract:

Polish Constitution was one of the first fundamental laws in Europe containing principles of sustainable development. The principle was mentioned in Article 5 of the Polish Constitution, with the goals of the state. In the 1990s in Poland scientists were not sure how to translate the term *sustainable development* into Polish language, what makes question about law makers' intension even more reasonable. Over many years Polish legal doctrine has been divided in opinion how to understand the sustainable development term. Some lawyers argue that this idea should be only interpreted with connection to environmental protection issue. Other representatives of law science consider sustainable development in a definitely wider context, including economic and social issues. Even the case law of Polish courts is inconsistent in understanding that principle. The overhaul of Bulletin of Constitutional Committee of the National Assembly can give answer what exactly constitutional makers understood by the principles of sustainable development. Records from the work on Article 5 shows which legal acts and global events were kind of benchmark for Polish legislators. This allows us to formulate some guides how to interpret the principles of sustainable development in the Polish Constitution.

Key words: sustainable development, constitution, environmental protection, Agenda 21

1. Introduction

Each epoch had its own ideas that determined social relations at a given time. Undoubtedly, sustainable development is one of such ideas that have a strong influence on the present day. It is a concept present in business, ecology, politics and law, and can also be found in the Constitution of the Republic of Poland, as it appears already

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in the very first chapter, which defines the constitutional principles of the state. Despite the undoubtedly importance of the concept of sustainable development for the contemporary world of ideas, its normativity is often questioned by lawyers. Therefore, we should ask ourselves what prompted the constitution makers to mention the principles of sustainable development in Article 5 among such typical goals of the state as guarding the independence and integrity of territory or ensuring the freedoms and rights of persons and citizens. It seems that learning about these motivations may allow for the formulation of some interpretative guidelines for the mentioned principles. Although, it should be noted that the purpose of the paper is not to interpret Article 5 of the Constitution of the Republic of Poland as such but rather to understand the intentions that accompanied the members of the Constitutional Committee of the National Assembly when including the principle of sustainable development among the responsibilities of the state. These responsibilities, according to some researchers, account for different values that have no connection with each other².

2. History of the concept

In the 21st century we could have seen a sharp rise in the popularity of the idea of sustainable development but the history of the concept is much longer. Its origins can be traced back to the 17th century, when the German manager of the silver mine Hans Carl von Carlovitz published a work entitled *Sylvicultura oeconomica, oder haußwirthliche Nachricht und Naturmäßige Anweisung zur wilden Baum-Zucht*, in which he described the negative effects of cutting down forests³. At the turn of the 16th and 17th centuries the development of the Saxon mines led to deforestation of the entire region. As a result, the price of wood increased so much that many mines could not afford to buy it, which eventually led to the bankruptcy of many of them. In such a way, both the biological and socio-economic environment of Saxony underwent a severe degradation. Hans Carlovitz formulated the thesis that forests should be cut in a sustained way, so that the loss of trees should be compensated by planting more⁴. In the following years, among others, Jean-Baptiste Colbert took up the subject of sustainable forest management in his work.

However, it was not until the second half of the 20th century that the concept of sustainable development gained more attention. In 1972 the Club of Rome, an international organization dealing with global threats, published *The Limits to Growth* report. It developed the Malthusian theory of resources, along with the thesis that the parameters related to the use of resources by humanity are characterized by exponential growth, while the available resources remain constant⁵. Therefore, it quickly

² A. Bałaban, *Konstytucyjna zasada zrównoważonego rozwoju* [in:] *Sześć lat Konstytucji Rzeczypospolitej Polskiej. Doświadczenia i inspiracje*, ed. L. Garlicki, A. Szmyt, Warsaw 2003.

³ U. Grober, *Der Erfinder der Nachhaltigkeit*, Munich 2010, p. 98.

⁴ *Ibidem*, p. 99.

⁵ Thomas Malthus (1766–1834) was a British economist, who claimed that excess population would stop growing due to shortage of food supply leading to starvation.

leads to a situation where further growth will be impossible due to a lack of resources. The report was a great contribution to many debates at both academic and political levels. It also resulted in establishment of the World Commission on Environment and Development, also known as the Brutland Commission (named after the chairman of the commission – Gro Harlem Brutland). The task of the Commission was to develop a political concept that would be a response to global problems described previously by, among others, the Club of Rome. The Commission's work ended with the publication of the official document, called the Brutland Report, which included the definition of sustainable development as 1) a process that meets current needs, without depriving future generations of their needs and 2) a stable development which takes into account processes, in which the exploitation of resources, direction of technical progress, areas of investment and the institutional change all remain in harmonious and non-controversial relationship, allowing to meet current needs as well as the needs of future⁶.

Another noteworthy stage in the evolution of the concept of sustainable development was the United Nations Conference on Environment and Development in Rio de Janeiro, also called the Earth Summit. It took place 20 years after the Stockholm Conference, which was the first time when the problems of the natural environment were discussed in such a wide group of participants. In the capital of Brazil, the subject of the debate was extended to include economic and social topics, which was expected to result in the development of a new philosophy of life in the post-industrial era. The summit ended with the preparation of the Agenda 21 document, which introduces the methods of developing and implementing sustainable development in local communities based on both ecological and socio-economic aspects⁷.

The 20th century ended with the development of the Millennium Development Goals. 189 countries declared their will to implement by 2015 a number of proposals aimed at reducing poverty and hunger, ensuring equal status of women and men, improving health, improving education, combating AIDS, protecting the environment and building global partnership between nations. Development aid was provided for the implementation of the objectives as well as numerous investment and financial programs were launched.

The latest document of the United Nations that sets the conceptual framework for sustainable development is the Agenda for Sustainable Development 2030 adopted in 2015. It contains 17 goals, which are specified by 169 priorities related to them. In the further part of the work I will refer to the content of some of them.

⁶ Report of the World Commission on Environment and Development Our common future, New York 1987, p. 15.

⁷ Action Programme – Agenda 21, Rio de Janeiro 1992, <https://sustainabledevelopment.un.org/content/documents/Agenda21.pdf>, 14.07.2019.

3. The concept of sustainable development in the Polish law

The term of sustainable development for the first time appeared in the Polish law in the 1990s. On 10th May 1991, the Sejm adopted a resolution on the ecological policy of the state. It contains the term of eco-development, defined as sustainable development. The resolution pointed to the urgent need to ensure individual ecological security for Polish citizens and stated that the implementation of this objective should be based on the principles of the social and ecological market economy⁸. Parliament brought the topic of the ecological policy of the state because there were immense negligence on that field after more than four decades of the communist regime. In 1991 almost one in three Poles lived in a state of ecological danger. Moreover, morbidity caused by environmental pollution was increasing⁹. In legislation the concept of sustainable development appears for the first time on 7th July 1994, due to the Land Use Act (Dz.U. z 1994, Nr 89, poz. 415). The first legal definition of sustainable development can be found in the Environmental Protection Act (Dz.U. z 1980, Nr 3, poz. 6) of 31st January 1980, which was added as a result of the amendment of the Act (Dz.U. z 1997, Nr 133, poz. 885) on 29th August 1997 and it stipulates that „sustainable development is such a socio-economic development in which, in order to balance the opportunities for access to the environment of individual societies or their citizens – both contemporary and future – a process of integrating political, economic and social activities while maintaining the natural balance and durability of basic natural processes takes place”¹⁰. It is worth noting, however, that this definition appeared already after the Constitutional Committee of the National Assembly deliberated on the content of Article 5 of the Constitution of the Republic of Poland. Therefore, it seems reasonable to examine whether the statutory definition matches the intentions of the constitution makers.

4. Work on Article 5 of the Constitution of the Republic of Poland

On 7th February 1995 the Constitutional Committee of the National Assembly debated on the rewriting of the first chapter of the Uniform Draft of Constitution of the Republic of Poland (in variant approach)¹¹. That project was a fruit of work in many specialized sub-committees. In the draft, which came under the Commission’s deliberations, the current article on the goals of the state was the third Article. However, as the majority of the members of the Constitutional Committee have called for, due to their importance and importance for the whole state system, the principles

⁸ Resolution of the Sejm of the Republic of Poland of 10th May 1991 on ecology policy (M.P. z 1991, Nr 18, poz. 118).

⁹ *Ibidem*.

¹⁰ Land Use Act of 7th July 1994 (Dz.U. z 1994, Nr 89, poz. 415).

¹¹ A. Słowińska, *Geneza zasad współdziałania Kościoła i państwa w projektach Konstytucji Rzeczypospolitej Polskiej z 1997 roku*, Biuletyn Stowarzyszenia Absolwentów i Przyjaciół Wydziału Prawa Katolickiego Uniwersytetu Lubelskiego 2013, vol. 10, p. 103.

of state unitarity as well as the supremacy of the nation were transferred before the article on the goals of the state, which eventually became the fifth Article. The mere attempts to include normative goals of the state aroused controversy. The deputy of the Freedom Union (Unia Wolności) Jerzy Chmielewski postulated the deletion of the whole article, arguing that it contains obvious content and is an attempt to ideologize the Constitution. He pointed out that the state, by definition, must safeguard the independence and its territory and issues such as human rights or national heritage are already addressed in the subsequent chapters of the Constitution. However, Piotr Winczorek, the expert of the Constitutional Committee, objected to such a view, claiming that the article discussed has definitely a normative value. He indicated that Article 5 is formulated in a little bit „slogan” way, which – in principle – should be avoided during creating normative acts. He noted, however, that lofty slogans cannot be completely eliminated from the text of constitution, because it would give it a character of only procedural regulation¹². It was Piotr Winczorek who asked for putting the concept of sustainable development to Article 5. When analyzing the work of the Constitutional Commission of the National Assembly on the formulating of Article 5 in the context of sustainable development, the following issues can be specified: 1) an appropriate definition of the development to be written in the Constitution of the Republic of Poland and 2) normativity of the term of sustainable development. Regarding the first of these, the debate during the Constitutional Committee was a reflection of the problems with translation of the *sustainable development* term occurring in the Polish law. This term, apart from the currently dominant translation, was also referred to an eco-development or continuous development.

From the very beginning Zdzisław Sadowski, a representative of the Polish Economic Society, pointed to the economic roots of the term of sustainable development. He stated that the term *sustained* is out of focus and ambiguous, and thus he proposed the wording: „permanent and comprehensive social and economic development”¹³. In addition, he pointed out that contemporary development based on innovation is just the opposite of sustainability. It seems that Zdzisław Sadowski referred to the theory of Austrian economist Joseph Schumpeter, who is the author of the theory of economic development based on innovation. Schumpeter believed that the persisting emergence of new entrepreneurs with revolutionary ideas is a force that is able to bring economic growth. He accepted the fact that such a change results in a loss of position by enterprises that previously enjoyed a well-established, or even monopolistic, market position. This is so-called *creative destruction*¹⁴.

Clear objection to the arguments stated by Sadowski was expressed by Irena Lipowicz, a deputy of the Freedom Union at that time. She appealed to her own experience in the Silesian region and pointed out that years of this „comprehensive” development led to significant ecological degradation of the Silesian region. She even stated

¹² The Bulletin of Constitutional Committee of the National Assembly, vol. 13, p. 9–10.

¹³ The Bulletin of Constitutional Committee of the National Assembly, vol. 13, p. 10.

¹⁴ J. Schumpeter, *Teoria rozwoju gospodarczego*, Warszawa 1960.

that „the comprehensive development should be banned by law”. Irena Lipowicz also pointed out that „sustainable development has an established meaning in the world literature. It means the principles of ecological development, and therefore the one that would take into account the needs of the natural environment”¹⁵. The majority of the Constitutional Committee agreed with this argument. This may indicate that sustainable development should be linked more closely to environmental issues and less to economic or social aspects.

The issue of Article 5, however, returned as the topic of the debate of the Constitutional Committee on 7th March 1997, along with amendments to the first chapter of the Constitution. Among the proposed amendments was, among other things, the proposal to add to the article the protection of animal rights but it did not meet the appreciation of the majority of members of the Commission¹⁶.

The issue of sustainable development was reconsidered by Alicja Grześkowiak, a senator from the ‘Solidarity’ Electoral Action (Akcja Wyborcza „Solidarność”). In her amendment she postulated the deletion of the term of sustainable development. Senator Grześkowiak referred to the previously mentioned argument regarding the lack of a constitutional character of the concept and pointed out that there is no such principle in the constitutions of other Western European countries. She also drew attention to the trend that is often present in the post-communist countries to write in the constitution phrases that do not have any legal value. Kazimierz Działocha, who at that time was a member of the Democratic Left Alliance (Sojusz Lewicy Demokratycznej), pointed out, however, that sustainable development as a concept exists in many acts of international law, where it has a definite meaning. He indicated that he specifically refers to the definition from the European Social Charter¹⁷. Senator Jerzy Madej highlighted the growing significance of sustainable development in legal science after the Earth Summit in Rio and the publication of Agenda 21¹⁸. He also emphasized that the lack of the concept of sustainable development as such in European constitutions is an opportunity for Poland to become a forerunner in changing the way we think about the environment. These comments convinced Senator Alicja Grześkowiak to keep the discussed principles in the text of article of the Constitution¹⁹.

5. The concept of sustainable development in the constitutions

It is worth to mention that Constitution of the Republic of Poland was one of the first fundamental laws that included principle of sustainable law. Many constitutions adopted in the 1990s, especially those from Central and Eastern European countries, included

¹⁵ The Bulletin of Constitutional Committee of the National Assembly, vol. 13, p. 10.

¹⁶ The Bulletin of Constitutional Committee of the National Assembly, vol. 44, p. 6.

¹⁷ *Ibidem*, p. 7.

¹⁸ *Ibidem*.

¹⁹ *Ibidem*.

phrases indirectly referring to the concept of sustainable development. For example, in the Constitution of the Czech Republic of 1992, Article 7 states that „the state shall concern itself with the prudent use of its natural resources and the protection of its natural wealth”²⁰. In contemporary constitutions we find many similar expressions related to the protection of natural resources. However, there were provisions more relevant to the concept of development discussed in this work already in the nineties. In Article 5 of the 1992 Constitution of the Republic of Slovenia we read that one of the aims of the state is to „provide for the preservation of the natural wealth and cultural heritage and create opportunities for the harmonious development of society and culture in Slovenia”²¹. It seems that the makers of the Constitution of the Republic of Slovenia referred to the idea of sustainable development when writing about the *harmonious development of society and culture in Slovenia*. What is interesting, two years after entering into force of the Constitution of the Republic of Poland, new constitution was enacted in Switzerland, which in Article 2 states, that „it shall promote the common welfare, sustainable development, internal cohesion and cultural diversity of the country”²². Since the end of 20th century it we can observe a process of constitutionalization of the sustainable development term. These examples also show a certain terminological problem that has been noticed by the members of the Constitutional Committee of the National Assembly, namely the definition meant to reflect the substance of development. The question is whether development should be „harmonious” (harmonijny), „versatile” (wszechstronny), „permanent” (ciągły) or perhaps „sustainable” (zrównoważony) as it was adopted in the Constitution of the Republic of Poland.

At the end of the 1990s, discussion regarding the adequate translation of the term sustainable development took place on the pages of the Państwo i Prawo journal. Maria Kenig-Witkowska used the phrase of *continuous development* in her article „Koncepcja sustainable development w prawie międzynarodowym”²³. In the footnote to the article one can read that „the term sustainable development has a lasting connotation in both juridical and legal language, and is usually quoted in the original version, even when the text is in a language other than English. (...) such translations as ecological development, eco-development, etc. these terms seem to be definitely less fortunate, if not even misrepresenting the essence of the problem itself”²⁴. It should be noted that since the publication of the cited Article 20 years ago, the term sustainable development has occurred at the same frequency in the original and translated version. Numerous

²⁰ The Constitution of the Czech Republic, <http://www.psp.cz/en/docs/laws/constitution.html>, 29.06.2019.

²¹ The Constitution of the Republic of Slovenia, <https://www.us-rs.si/en/about-the-court/legal-basis/constitution>, 29.06.2019.

²² Federal Constitution of the Swiss Confederation, <https://www.admin.ch/opc/en/classified-compilation/19995395/index.html>, 29.06.2019.

²³ M.M. Kenig-Witkowska, *Koncepcja sustainable development w prawie międzynarodowym*, Państwo i Prawo 1998, vol. 8.

²⁴ *Ibidem*, p. 45.

publications have appeared on the Polish publishing market, in which the mentioned term is translated into the Polish language²⁵. Magdalena Sitek did not agree on the correctness of that translation in a previously mentioned polemic on the pages of *Państwo i Prawo* journal. In her opinion: „the concept of sustainable development should not only aim to guarantee the continuous development of particular categories of policies (economic, environmental, social, etc.), but to harmonize them or, to put it in a different way, to balance them. Such an essential role of the sustainable development concept comes from international legal acts”²⁶.

The dispute over the translation is very similar to the one that had taken place several years earlier at the Constitutional Commission. It seems that it is an issue that evolves so dynamically that it is difficult to say whether any of the interpretations can fully reflect the essence of the concept. Magdalena Sitek, however, very rightly pointed out that the fact of using the phrase „pursuant to the principles of sustainable development” in the Constitution of the Republic of Poland has a decisive influence on further Polish understanding of the term of sustainable development. As I have already mentioned, from the perspective of time it can be seen that Polish science, following the Constitution of the Republic of Poland, mainly uses the phrase sustainable instead of eco or harmonious development.

6. The acts of international law referred to in the course of work on Article 5 of the Constitution of the Republic of Poland

Analysis of the process of formulating Article 5 of the Constitution of the Republic of Poland pointed out that the constitution makers referred to international law when speaking about sustainable development. They mentioned the two particular legal acts – Agenda 21 and the European Social Charter. While the former is to this day one of the most important and most frequently cited documents in studies on the issue of sustainable development, the latter is relatively rare in this context.

Agenda 21, as it was already mentioned in this work, was the final act of the Earth Summit in Rio de Janeiro. The document counted over five hundred pages and consisted of four parts:

- 1) social and economic issues,
- 2) protection and management of natural resources,
- 3) issues related to strengthening the role of various social groups in the implementation process of Agenda 21, including women, youth, trade unions, rural population, local authorities, industry, science,
- 4) implementation possibilities.

²⁵ E.g. D. Brodowicz, M. Michalska, M. Kalinowska, *Zrównoważony rozwój. Wybrane zagadnienia*, Warszawa 2017; Z. Bukowski, *Zrównoważony rozwój w systemie prawa*, Toruń 2009; S. Kozłowski, *Zrównoważony rozwój – program na jutro*, Poznań 2008.

²⁶ M. Sitek, „Sustainable development”–ciągły czy zrównoważony rozwój?, *Państwo i Prawo* 1999, vol. 2, p. 82.

Already from the terminology existent in individual parts, it can be concluded that the document focused on both ecological and socio-economic aspects²⁷. Agenda 21 imposed the obligation on governments to draw up development plans and strategies. However, it should be pointed out that in case of any specific solutions, it was not binding on the signatory states, which meant that the possibilities of real enforcement of certain assumptions were significantly reduced. It was not until the documents related to the Millennium Development Goals were published that allowed for a more effective commitment of states to implement the idea of sustainable development.

The second legal act, which was an inspiration for the Constitutional Committee of the National Assembly, was the European Social Charter. It is a Council of Europe treaty which was opened for signature on 18th October 1961. The Charter was established to support the European Convention on Human Rights which is principally for civil and political rights, and to broaden the scope of protected fundamental rights to include social and economic rights. Poland ratified the document in 1997, with the exception of the obligation to provide employees with a remuneration ensuring a fair standard of living. Thus, it can be said that the work on the ratification of the document lasted somewhat parallel to the proceedings of the Constitutional Committee of the National Assembly, which may be the reason why this document was referred to during the discussion on the wording of Article 5 of the Constitution of the Republic of Poland. It is interesting because in the document itself the sustainable development term does not appear even once. In the 1960s, when the document was created, the idea was not so widespread. Is it therefore impossible to find any elements related to sustainable development in this document? In the preamble of the European Social Charter we read:

the aim of the Council of Europe is the achievement of greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and of facilitating their economic and social progress, in particular by the maintenance and further realisation of human rights and fundamental freedoms; (...) The member States of the Council of Europe agreed to secure to their populations the social rights specified therein in order to improve their standard of living and their social well-being²⁸.

This is the phrase that seems to reflect the efforts that states have undertaken to increase the quality of life. Today, discussions on the definition of sustainable development point to the issue of improving the quality of life on Earth as the essence of sustainable development²⁹.

²⁷ F. Dodds, M. Strauss, *Only One Earth: The Long Road via Rio to Sustainable Development*, London 2012, p. 57.

²⁸ The European Social Charter, <https://www.coe.int/en/web/european-social-charter>, 29.06.2019.

²⁹ J. Blewitt, *Understanding Sustainable Development*, London 2008, p. 158.

7. Conclusion

The analysis of the process of formulating Article 5 of the Constitution of the Republic of Poland in this paper shows that members of the Constitutional Committee of the National Assembly had a huge problem with defining sustainable development. Monika Florczak-Wątor in the commentary on the Constitution of the Republic of Poland points out that discussion on principles of sustainable development was very intense and revived³⁰. Bogusław Banaszak in the commentary on the Constitution of the Republic of Poland, of which he was also an editor, claims that sustainable development is a new term in legal. The meaning of this term has clarified in the 1990s and it relates to the civilization development, which is not jeopardizing natural environment³¹. Paweł Sarnecki indicates that sustainable development has clarified meaning in the international law like the United Nations legal acts or the European law but he does not give any particular example. However, he specifies that this principle insists that intervention into natural environment should be proportional to the benefits for the society, which are resulting from that intervention³². On the one hand, the desire to refer the principle of sustainable development to the issue of environmental protection was evident during the work of the Committee, which is suggested by the language itself. It should be pointed out that also Polish courts refer to the principles of sustainable development in this context³³. Particularly administrative courts treats principles of sustainable development as a directive of interpretation in cases, in which environment is a protected value. There are voices in the doctrine, which are inclining towards such an interpretation³⁴. For example, Waldemar Wołpiuk explicitly points out that it is a substantial directive on environmental protection³⁵. On the other hand, there is no doubt that the constitution makers took inspiration from international acts, in which the idea of sustainable development is perceived very broadly and is applicable to numerous spheres of socio-economic life. It could indicate that the term of sustainable development present in the Constitution of the Republic of Poland should also be understood more broadly. The Constitutional Tribunal, in one of the very few judgments regarding Article 5, defined sustainable development in a fairly broad way. Apart from environmental protection, it also

³⁰ M. Florczak-Wątor, *Commentary on article 5* [in:] *Commentary on the Constitution of the Republic of Poland*, ed. L. Bosek, M. Safjan, Warszawa 2016.

³¹ B. Banaszak, *Commentary on article 5* [in:] *Commentary on the Constitution of the Republic of Poland*, ed. B. Banaszak, Warszawa 2012.

³² P. Sarnecki, *Commentary on article 5* [in:] *Commentary on the Constitution of the Republic of Poland*, ed. L. Garlicki, M. Zubik, Warszawa 2016.

³³ E.g. II OSK 2760/14, II SA/OI 1267/16. In those cases principles of sustainable development is used as directive, which allows to balance between the value of environment portection and economic freedom.

³⁴ Z. Bukowski, *Zrównoważony rozwój w systemie prawa*, Toruń 2012.

³⁵ W.J. Wołpiuk, *O konstytucyjnym zadaniu państwa w zakresie ochrony środowiska – zgodnie z zasadą zrównoważonego rozwoju*, Prakseologia 2004, vol. 144, p. 27.

includes care for social and civilization development, connected with the necessity of building the appropriate infrastructure necessary for the life of people and individual communities³⁶. Also Andrzej Bałaban is in favour of such understanding of the principle of sustainable development. He points out that the values mentioned in Article 5 may be of independent importance in decoding norms found in other parts of the Constitution of the Republic of Poland³⁷.

In my opinion the constitution makers were willing to meet the standards of the constitutions of Western countries but at the same time willing to be thoroughly modern. Because of that an extremely high emphasis was placed on responding to the problems vividly discussed at that time in world legal science. Undoubtedly, one of these was the sustainable development. Some members of the Constitutional Committee wanted Poland to become the precursor of this idea in European constitutionalism. At the same time, among the standard goals of the state, the greatest opportunities for applying the principle of sustainable development were seen in the field of environmental protection. It is also worth noting that when creating the Constitution of the Republic of Poland, all provisions guaranteeing social rights were formulated with utmost caution in order to avoid unimaginable claims. Therefore, the combination of sustainable development and environmental protection was a fairly safe solution. Undoubtedly, the problems in defining the concept of sustainable development by the members of the Constitutional Committee of the National Assembly and the lack of decisiveness regarding the range of state policies on which this principle would apply resulted in current interpretation problems. In addition, the discussed idea is still alive and expands its meaning, which does not help to develop its uniformed interpretation. Nevertheless, I reckon that the Constitution of the Republic of Poland cannot be interpreted without taking into account today's way of understanding sustainable development by the international law, in which it applies to many fields of life, including social and economic issues.

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Zrównoważony rozwój w Konstytucji Rzeczypospolitej Polskiej – geneza

Konstytucja Rzeczypospolitej Polskiej była jedną z pierwszych konstytucji w Europie, w których zawarto zasadę zrównoważonego rozwoju. Została ona wyrażona w artykule 5, który wskazuje na główne cele państwa. W wielu europejskich konstytucjach brak jest regulacji dotyczących wprost celów państwa. W latach dziewięćdziesiątych środowisko naukowe w Polsce miało problem z dokonaniem tłumaczenia terminu *sustainable development*, które odawałoby istotę tego pojęcia. Również doktryna prawa przez lata zmagała się z interpretacją

³⁶ K23/05, OTK 2006/6/62, the last paragraph of the grounds of judgment. The case concerned powers of local authorities in the process of locating state roads, <http://trybunal.gov.pl/postepowanie-i-orzeczenia/wyroki/art/5216-lokalizacja-drogi-krajowej/>, 29.06.2019.

³⁷ A. Bałaban, *op.cit.*, p. 20.

zasady zrównoważonego rozwoju. Część prawników uważa, że zasada ta ma zastosowanie jedynie do ochrony środowiska. Wiele głosów w doktrynie skłania się jednak do szerszej interpretacji tej zasady, obejmującej również kwestie społeczne i ekonomiczne. Analiza Biuletynu Komisji Konstytucyjnej Zgromadzenia Narodowego może wskazać na motywy i inspiracje, które przyświecały twórcom polskiej konstytucji przy formułowaniu zasady zrównoważonego rozwoju.

Słowa kluczowe: zrównoważony rozwój, konstytucja, ochrona środowiska, Agenda 21